

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:	PROMESA Title III
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of COMMONWEALTH OF PUERTO RICO, <u>et al.</u> , Debtors. ¹	No. 17 BK 3283-LTS (Jointly Administered)
In re:	PROMESA Title III
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE PUERTO RICO ELECTRIC POWER AUTHORITY, Debtors.	No. 17 BK 4780-LTS (Jointly Administered)

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

UNIÓN DE TRABAJADORES DE LA INDUSTRIA
ELÉCTRICA Y RIEGO, INC.

Plaintiffs,

Adv. Proc. No. 23-00045-LTS

v.

PUERTO RICO ELECTRIC POWER AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY; PUERTO RICO PUBLIC PRIVATE PARTNERSHIP AUTHORITY; and GENERA PR LLC

Defendants.

ORDER REGARDING PROCEDURES FOR JUNE 28, 2023, HEARING

The Court will hear oral argument in connection with the *Motion for Preliminary Injunction* (Docket Entry No. 2 in Adv. Proc. 23-00045, the “Preliminary Injunction Motion”) beginning at **9:30 a.m. (Atlantic Standard Time) on June 28, 2023** (the “Hearing”). The Court will allocate up to one (1) hour for argument in connection with the Preliminary Injunction Motion. The Court will conduct the hearing in Courtroom 17C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007 (the “New York Courtroom”), and by video teleconference in a courtroom to be designated in the United States District Court for the District of Puerto Rico, Clemente Ruiz Nazario US Courthouse, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767 (the “San Juan Courtroom”). The Hearing shall be governed by the following procedures.

Registration for In-Person Attendance and Listen-In Facilities for Attorneys, Members of the Public and Press

1. **In-Person Participation.** Judge Swain will be present in the New York Courtroom. **All attorneys who are scheduled to participate in a matter scheduled to be heard at the Hearing are expected to appear in person (either in the San Juan Courtroom**

or the New York Courtroom). Counsel who are not scheduled to present have the following options to access the Hearing: (i) observe in person in the New York Courtroom; or (ii) observe a video feed of the Hearing in person in the San Juan Courtroom. **Counsel who have entered their appearance in the Title III proceedings and intend to participate in the Hearing in person (in the San Juan Courtroom or the New York Courtroom) must file an informative motion**, as set forth in paragraph 5 below. Informative motions are due **no later than June 23, 2023, at 12:00 p.m. (Atlantic Standard Time)**.

2. **Listen-Only Public Access to the Hearing.** Members of the public, press, and attorneys may **listen to but not participate in** the Hearing by dialing (888) 363-4749, and, when prompted, entering the access code (7214978) and security code (7533) for listen-only access. This telephonic access line for the press and the general public will be in listen-only mode at all times. Recording and retransmission of the proceedings by any means are prohibited.

3. **Live Video Feed of the Hearing.** Members of the public and press who wish to **view but not participate in** the Hearing may do so by appearing in person at the San Juan Courtroom or the New York Courtroom.

4. **Press Room.** A live video feed of the proceedings will be available for viewing in the press room in the San Juan courthouse. Members of the press should contact presscredentials@prd.uscourts.gov (San Juan) regarding viewing facilities and space availability. Members of the press may also view the proceedings in the New York Courtroom or dial into the listen-only line.

5. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 1, a Party must file an informative motion by **June 23, 2023, at 1:00**

p.m. (Atlantic Standard Time). Each Informative Motion must be accompanied by a Party Appearance Cover Sheet (the form of which is attached as Exhibit A to this Order). Counsel may select one method of appearance for each attorney appearing at the Hearing. Thereafter, counsel must file an Amended Party Appearance Cover Sheet to change the method of appearance.

6. Order and Identity of Speakers. Counsel who intend to speak must jointly file an informative motion by **June 23, 2023, at 4:00 p.m. (Atlantic Standard Time)** identifying (a) the names of the individuals who intend to appear and speak in connection with the Preliminary Injunction Motion, (b) the order in which the speakers will present argument, and (c) time allocations for each speaker.

7. Exhibits or Demonstratives. To the extent that a Party intends to rely on exhibits and/or demonstratives at the Hearing, the party shall file a separate informative motion using the Exhibit Cover Sheet (the form of which is attached as Exhibit B to this Order) by **3:00 p.m. (Atlantic Standard Time) on June 26, 2023.** The informative motion must include (i) the Exhibit Cover Sheet and (ii) each exhibit and/or demonstrative as a separate, text searchable attachment. The naming convention of each exhibit must adhere to the specifications indicated on the Exhibit Cover Sheet. As noted, above, the Exhibit Cover Sheet in connection with the Hearing will be limited to exhibits pertaining to matters scheduled to be heard at the Hearing.

8. Electronic Device Policy in New York. Counsel with New York bar credentials are permitted to bring one cellular telephone into the New York courthouse in accordance with the Fifth Amended Standing Order M10-468.² Counsel seeking to bring

² The Fifth Amended Standing Order is available at <https://nysd.uscourts.gov/sites/default/files/2022-04/20mc316%205th%20amd%20standing%20order.pdf>.

additional electronic devices into the New York Courtroom for the Hearing must complete the Electronic Device General Purpose Form available on the Court's website at <https://www.nysd.uscourts.gov/forms/fillable-form-electronic-devices-general-purpose> and submit the completed form to the following address: swaindprcorresp@nysd.uscourts.gov by **June 23, 2023, at 12:00 p.m. (Atlantic Standard Time)**. Such requests must be compliant with S.D.N.Y. Standing Order M10-468. The Court directs counsel's attention to the technical and device usage restrictions detailed in the Fifth Amended Standing Order. Devices may not be used for communications purposes in the courtroom and no recording or transmission of the proceedings is permitted.

9. **Electronic Device Policy in San Juan.** Counsel with Puerto Rico bar credentials are permitted to bring electronic devices into the courthouse in San Juan. Counsel authorized to appear Pro Hac Vice in the Title III proceedings shall present (i) a paper or hard copy of the order granting Pro Hac Vice admission, and (ii) a current government-issued photo identification.³ Devices may not be used for communications purposes in the courtroom and no recording or transmission of the proceedings is permitted.

SO ORDERED.

Dated: June 21, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

³ The electronic devices policy for the United States District Court for the District of Puerto Rico is available at <https://promesa.prd.uscourts.gov/electronic-devices-policies>.